



W.P.No.1730 of 2022

IN THE HIGH COURT AT JUDICATURE AT MADRAS

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DATED: 07.02.2025

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THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.1730 of 2022

and

WMP.Nos.1879 and 1881 of 2022

P.Tamilarasan

...Petitioner

Vs.

1. The Chief Education Officer (C.E.O),
Chenglepet, Chenglepet - "District".

2. The District Education Officer (D.E.O),
Madurantakam, Chenglepet - "District".

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the concerned record passed by the 1st Respondent herein in his proceedings No.Na.Ka.No.0572/A2/2020 dated 29.12.2021 and to **"QUASH"** the same.

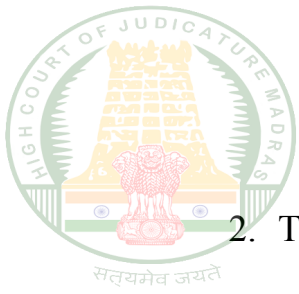
For Petitioner : Mr.M.Arumugam

For Respondents : Mr.L.S.M.Hasan Fazil,

Additional Government Pleader

ORDER

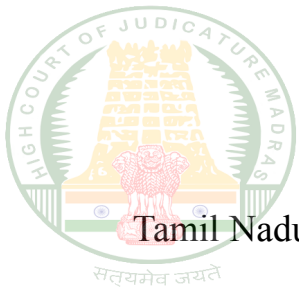
The writ petition is filed challenging the impugned deputation order dated 29.12.2021.



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2. The petitioner was appointed as Tamil teacher in the year 1996 in Government Higher Secondary School Samalpath, Dharmapuri District. After serving several schools the petitioner was transferred as Assistant Head Master in Government Higher Secondary School, Tiruvalur, Cheyyur Taluk, Chengalpattu District, Where he is presently serving. The petitioner holds an M.A and B.Ed degree, and also teaches Tamil language in the said school. While so, the petitioner was asked to serve for a short period as Headmaster in-charge for a brief period. According to the petitioner the entire problem arose during his tenure as Headmaster incharge, because he was strict with the teachers who were sitting idle without conducting classes. The petitioner also questioned the president of the PTA for holding the post without locus as none of his wards were studying in the school. Further, the petitioner even questioned the incumbent Headmaster for collecting admission fees from students and selling the scrap and old materials of the school without sanction of the authorities. According to the petitioner due to his above acts, the teachers conspired with the president of the PTA and induced him to lodge a complaint against him to the authorities on 06.08.2020. On the basis of the said complaint the impugned order came to be passed and therefore the petitioner filed the above writ petition for the aforesaid relief.

3. The respondents filed a detailed counter stating *inter alia* that on the basis of the letter of the PTA President, Headmaster and few teachers, disciplinary action was taken against the petitioner for certain irregularities committed by him vide proceedings of the Chief Educational Officer, Chengalpattu, under Rule 17-A of the



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Tamil Nadu Civil Servants (Discipline and Appeal Rules). The petitioner submitted his explanation, enquiry was conducted and thereafter the impugned Deputation order was passed on 29.12.2021. The respondents further stated that the petitioner while in Government service founded “Guru devar Sri Ramakrishna Educational Trust” on 22.07.2016, with his close relatives as office bearers of the trust. The trust was running a school “Ramakrishna Vidyalaya”, and the petitioner’s mother-in-law was its correspondent. The petitioner diverted his time to the trust and the school, in violation of Rule 20 (integration towards duty) of the Government Service Conduct Rules, 1973. The respondents therefore prayed that there were no merits in the writ petition and the same deserved to be dismissed.

4. The primary contention of the petitioner’s counsel was that the impugned order was unsustainable as it was passed on the basis of a complaint dated 06.08.2020, which was withdrawn as early as on 24.08.2020. The learned counsel submitted that the petitioner was targeted because he instructed the teachers to conduct classes properly, questioned the locus of the President of the P.T.A, and questioned the incumbent Headmaster on certain acts committed by her. The learned counsel therefore prayed that the impugned order deserved to be quashed.

5. The learned Government Pleader denied the contention of the petitioner’s counsel that the complaint dated 06.08.2020 of the President of P.T.A was



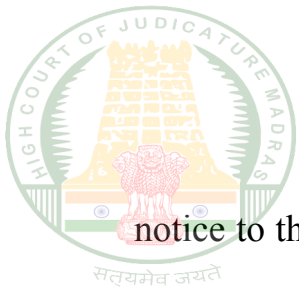
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withdrawn. The learned counsel submitted that it was the petitioner who indulged in activities unbecoming of a Government servant. The learned counsel submitted that as the order was passed after giving full opportunity to the petitioner and after conducting an enquiry the same was valid and did not call for any interference by this court.

6. I have heard both the learned counsels and perused the materials placed on record.

7. From a narration of the facts stated above, the core issue to be decided is whether the impugned order is valid or not.

8. The primary ground of attack of the petitioner's counsel against the impugned order is that it was based on a complaint subsequently withdrawn. The respondent's deny that the complaint was withdrawn. It is seen from the materials on record that the President of the P.T.A submitted a complaint dated 06.08.2020, to the authorities against the petitioner. The petitioner claims that the said complaint was withdrawn on 29.08.2020, which the respondents vehemently deny. In this regard, it is relevant to note here that on 05.09.2020, the petitioner issued a legal



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notice to the respondents, among others. The legal notice is annexed at page 29, of

the type set of papers. I have read the legal notice and I find that there is no whisper about the withdrawal of the complaint dated 06.08.2020. If really the complaint was withdrawn on 29.08.2020, then the petitioner should have referred to the same in his legal notice, which was sent thereafter, on 05.09.2020. Further mere filing of the withdrawal letter without proof of service, in my view will not suffice, moreso, when the respondents have denied receipt of the same. Therefore the contention of the petitioner that the impugned order is based on a complaint that was withdrawn cannot be accepted.

9. On the theory of conspiracy putforth by the petitioner, it is seen that the petitioner was given opportunity to submit his explanation and also an enquiry was conducted in which the petitioner participated, but the petitioner was not able to substantiate his conspiracy theory. Moreover, the petitioner has not questioned the legality of the enquiry proceedings, either in his affidavit or by way of reply to the counter. Under such circumstances, I am not inclined to accept the contention of



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the petitioner's counsel in this regard.

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10. The petitioner has portrayed himself as a torch bearer of the Government School students, but the records suggest otherwise. From the type set of papers filed by the respondents it is clear that the petitioner is the founder of “Guru devar Sri Ramakrishna Educational Trust”, his wife, who is also a Government school teacher, is the managing trustee and treasure and his mother-in-law, is the correspondent of the Ramakrishna Vidyalaya Matriculation School, run by the trust. Therefore as rightly contended by the learned Government Pleader, the petitioner is guilty of violation of the Tamil Nadu Government Servants Rules, particularly Rule 20, relating to integrity and devotion to duty.

11. The impugned order was passed after affording opportunity to the petitioner and in pursuance of a full fledged enquiry, which the petitioner has not disputed. The impugned order recites that the order of deputation is passed pending further orders. I find no infirmity or impropriety in the impugned order.



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In my view the writ petition is bereft of merits and hence the same is dismissed. The petitioner has suppressed the fact that he is the founder of a trust which runs the school “Ramakrishna Vidyalaya Matriculation School” and further mislead the court by portraying himself as a beacon of students interest. I am therefore of the view that the petitioner should be imposed with costs. The writ petition is therefore dismissed with a cost of Rs.10,000/- to “Adyar Cancer Institute”. Consequently, connected writ miscellaneous petitions are closed.

07.02.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dsn

To

1. The Chief Education Officer (C.E.O),
Chengalpat, Chengalpat District.

2. The District Education Officer (D.E.O),
Madurantakam, Chengalpat District.

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N.MALA,J.

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